

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS ROBINSON : CIVIL ACTION
v. :
CITY OF PHILADELPHIA, et al. : NO. 96-7049

MEMORANDUM AND ORDER

FULLAM, Sr.J. SEPTEMBER , 1997

Plaintiff in this civil rights action alleges that at midnight on January 1, 1996, he was stopped by plainclothes officers, taken from his vehicle, and physically and verbally abused. Defendants are the City of Philadelphia and the two officers involved. The City has moved to dismiss, asserting that the allegations of the amended complaint are insufficient to state a claim against a municipality under §1983 . According to defendant, plaintiff has alleged no more than police negligence and a theory of respondeat superior liability.

I disagree. The amended complaint clearly contains allegations that the City failed to train its officers and that they acted pursuant to an illegal custom or policy. These allegations are not detailed, but they are sufficient to withstand a motion to dismiss, especially given that there has been no discovery thus far.

An Order follows.

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ORDER

AND NOW, this day of September, 1997 IT IS ORDERED that
Defendant's motion to dismiss is DENIED.

Sr.J.

Fullam,